

BEFORE THE TENNESSEE REGULATORY AUTHORITY AT

NASHVILLE, TENNESSEE

November 14, 2001

IN RE:

**PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF
CONVENIENCE AND NECESSITY**

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**DOCKET NO.
01-00220**

**ORDER APPROVING PETITION OF ON-SITE SYSTEMS, INC.
TO AMEND ITS CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY**

This matter came before the Tennessee Regulatory Authority (the "Authority") at a regularly scheduled Authority Conference held on October 23, 2001, to consider the Petition (the "Petition") of On-Site Systems, Inc. ("On-Site") to amend its Certificate of Public Convenience and Necessity ("CCN") to expand its service area to include an area known as Topside Business Park in Blount County, Tennessee.

Legal Standard for Granting CCN

On-Site's Petition was made pursuant to and was considered in light of the criteria for granting a CCN as set forth in Tenn. Code Ann. § 65-4-201, which provides, in pertinent part:

(a) No public utility shall establish or begin the construction of, or operate any line, plant, or system, or route in or into a municipality or other territory already receiving a like service from another public utility, or establish service therein, without first having obtained from the authority, after written application and hearing, a certificate that the present or future public convenience and necessity require or will require such construction, establishment, and operation, and no person or corporation not at the time a public utility shall commence the construction of any plant, line, system or route to be operated as a public utility, or the operation of which would constitute the same, or the owner or operator thereof, a public utility as defined by law, without having first obtained, in like manner, a similar certificate . . .

Background

On April 4, 1994, On-Site received a CCN in Docket No. 93-09040 from the Tennessee Public Service Commission to provide wastewater service to the Oakwood Subdivision in Maury County. Since that time, through various other dockets, On-Site has been granted approval to expand its service territory to include other areas in Tennessee.

Petition to Amend CCN

On March 2, 2001, On-Site filed its Petition to amend its CCN to expand its service area to include Topside Business Park in Blount County. A map showing the area to which On-Site proposes to extend service is attached to its Petition. In its Petition, On-Site states that this business park is located inside the corporate city limits of Louisville, Tennessee, which, according to the Petition, does not offer any public utilities. On-Site further states that neither the South Blount County Utility District, which is the water supplier for this area, nor the Blount County Government, nor the City of Alcoa, Tennessee has the desire or ability to provide wastewater service to Topside Business Park. With its Petition, On-Site submitted letters from William A. Crisp, Blount County Executive; Geraldine Anderson, Mayor of the Town of Louisville; Robyn M. Snapp, representative of the South Blount County Utility District; and Mark L. Johnson, City Manager of the City of Alcoa, showing that none of these entities has plans to provide wastewater service to the proposed area.

On-Site filed commercial rate schedules with its Petition. On September 19, 2001, On-Site amended its Petition by filing replacement commercial rate schedules in this docket which comport with the rate adjustment for commercial customers approved by the Authority in Docket No. 00-01128.¹

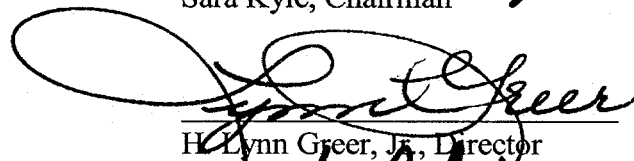
¹ See *Order Approving Amendment of On-Site Systems, Inc.'s Certificate of Public Convenience and Necessity, Franchise, and Commercial Rate Adjustment*, Docket No. 00-01128 (October 23, 2001). The Authority approved On-Site's new commercial rates in Docket No. 00-01128 at the July 10, 2001 Authority Conference.

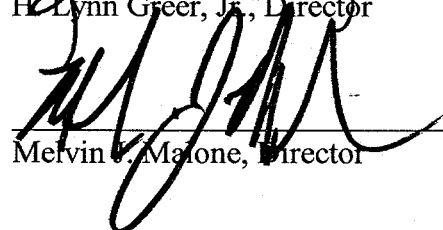
On October 23, 2001, On-Site's Petition came before the Authority at a regularly scheduled Authority Conference. Upon consideration of the Petition, as amended, and the entire record, the Authority finds that the present and future public convenience and necessity require the approval of On-Site's Petition. Pursuant to Tenn. Code Ann. § 65-4-201, the Authority grants On-Site's Petition.

IT IS THEREFORE ORDERED THAT:

1. The Petition of On-Site Systems, Inc. to amend its Certificate of Public Convenience and Necessity, as amended, to expand its service area to include an area known as Topside Business Park in Blount County, as shown in the map attached to the Petition, is approved;
2. On-Site's rates for wastewater service to Topside Business Park shall be as listed in the rate schedules filed with On-Site's Petition, as amended; and
3. Any party aggrieved with the Authority's decision in this matter may file a Petition for Reconsideration with the Authority within fifteen (15) days from the date of this Order.


Sara Kyle, Chairman


H. Lynn Greer, Jr., Director


Mervin C. Malone, Director

ATTEST:


K. David Waddell, Executive Secretary